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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,664	04/30/2002	Marcello Poggiolini	ADAMS-40619	8060

7590 05/07/2004

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/031,664

Applicant(s)

POGGIOLINI, MARCELLO

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,8,9 and 11-16 is/are rejected.
- 7) ☒ Claim(s) 3,6,7 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the outer panel including at least two sub-panels arranged in a face to face abutting fashion and defining apertures of different magnitudes as recited in claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 5, 8, 9, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sielle, British Patent 912,704 in view of Knox, U. S. Patent 2,623,316.

With respect to claims 1, 9, 11, 12, 13, 14, and 15, Sielle teaches frame for framing an article, the device including an outer frame component (20), an outer panel (24) including a rear side and a viewer side, the outer panel (24) being mounted within the outer frame component, an inner frame (29) component which includes an outer

abutment surface which overlaps a peripheral region of the viewer side of the outer panel thereby to conceal a peripheral edge of the aperture; an inner panel (31) which is located within the inner frame component, the inner frame component including an inner abutment surface which overlaps a peripheral region of the inner panel in an abutting fashion and the article (32) being mounted in use within the inner frame component, and transparent sheet material (22) mounted to the outer frame component and covering the article. (See figure 2)

Sielle does not specifically indicate whether the outer panel 24 has an aperture.

Knox teaches a picture frame comprising an outer frame 52, an outer panel 51 having a central aperture, an inner frame 53, an inner transparent panel 56, a picture 57, and a backing 58. (See figures 1 and 3). The inner frame 53 has an outer rebate 55a which overlaps the inner peripheral edge of the outer panel and an inner rebate 55b which overlaps the outer peripheral inner transparent panel. The inner frame is adapted to hold the inner panel, a picture, a backing, and nails or other fastening means to retain the inner panel, picture and backing within the rear rebate of the inner frame.

It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the picture frame taught by Sielle with the outer panel and inner frame as taught by Knox to provide a decorative inner panel and inner frame to enhance the aesthetic appearance of the picture frame.

With respect to claim 2, the inner transparent panel taught by Knox is positioned between the picture 57 and a outer transparent panel 22.

With respect to claim 4, Sielle teaches that the abutment surfaces lie in spaced planes so that, in use, the inner and outer panels lie in spaced planes. In figure 2, the panel 24 lies within a plane rearwardly of the plane of the panel 31. Knox also teaches the inner and outer abutment surface of the inner frame lie in spaced planes.

With respect to claim 5, Knox teaches inner frame having a concealed portion (the exterior surface *a*) and an exposed portion (the front surface of the frame and the surface *b*). (See figure 3).

With respect to claim 8, although Sielle or Knox does not teach the dimension the exposed portion of the inner frame, It would have been obvious to construct the inner frame of a suitable dimension so the it would fit beneath the transparent panel 22 taught by Sielle.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sielle in view of Knox as applied to claim 15 above, and further in view of Cornfield, U. S. Patent 3,218,747. Cornfield teaches a picture frame with staples 11 to retain the picture within the rear rebate of the picture frame. It would have been obvious to one having ordinary skill in the art at the time this invention was to construct the picture frame taught by Sielle and Knox with the staple taught by Cornfield to provide a means to retain the picture.

***Allowable Subject Matter***

5. Claims 3, 6, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


***Response to Arguments***

6. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
May 3, 2004